

Attorney Docket # 4925-16RCE

Patent

AF
3714

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Tapio HAMEEN-ANTTILA

Serial No.: 09/455,956

Filed: December 7, 1999

For: Recording Game Information into a Server

Examiner: White, Carmen D.
Group Art: 3714

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Alfred W. Froebich
Name of applicant, assignee or Registered Representative

Signature

April 25, 2005
Date of Signature

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APPELLANT'S REPLY BRIEF

SIRS:

This is Appellant's Reply Brief in Response to the Examiner's Answer dated February 25, 2005 in accordance with 37 C.F.R. 41.41.

The Examiner's Answer makes new points of argument within section (10) Response to Argument.

In Appellant's Brief on Appeal, Appellant argued that neither Lobb nor Moriarty disclose a system in which the type of communication terminal used by a golfer is determined by a central server because in each of the Lobb and Moriarty systems, the communication terminal used by the golfer is part of an overall system for use at a golf course. The Examiner states in the

Examiner's Answer at page 4, line 15 to page 5, line 11 that Lobb and Moriarty do not disclose golf course specific radio communication systems because Lobb uses a global positioning system. Appellant notes that the fact that a device uses a global positioning system does not imply that the device is not part of a system designed for use with a golf course computer system. The important aspect of Appellants argument is that the terminals used by the golfers in Lobb and Moriarty are designed as part of a golf course computer system and are not generic devices such as mobile phones which can be used for other various other functions outside of the golf course computer system. Since the communication terminals are designed as part of the golf course system, the central server of the system does not have to determine the type of terminal being used and characteristics to format the output. Furthermore, Lobb clearly indicates that the system is covered and controlled by an operator of a golf course, i.e., a golf course-specific system. This is indicated, for example, at col. 3, lines 33-38 in Lobb which states that "the apparatus of the present invention can support infomercial from the golf course operators to entertain and educate golfers which generating supplemental advertising revenues for the operators, and at col. 5, lines 58-67, which indicates that the golfer picks up the game apparatus, i.e., terminal, at the golf course before each play.

Moriarty also discloses a golf course-specific system. Moriarty discloses a system in which the golfer's interface 30 is arranged at each tee of a golf course (see, e.g. Fig. 1 of Moriarty). Since the apparatus used by the golfer is part of an overall system, the golfer interface is already known to the system and the central server of the system does not have to determine what type of terminal apparatus is being used by the golfer.

The Examiner alleges at page 5, lines 12-13, of the Examiner's Answer that Appellant has misrepresented the display recitation in the Eiba reference. To support his allegation,

the Examiner states at page 6, lines 1-3, of the Examiner's Answer that "there is no possible minimum requirement that all these types of game devices could conceivably meet". However, this statement by the Examiner simply not true. There is some minimum requirement or capability that the game devices must have to display the information. For example, the game device requires a display have enough resolution to depict the information.

The Examiner further alleges at page 6, lines 18-22 that Eiba discloses a filter for formatting the output. The Examiner supports this allegation by stating that Eiba discloses a plurality of different game devices that are possible and that overseas transmission of information is possible. While Appellant agrees that Eiba discloses a plurality of different game devices that are possible and that overseas transmission of information is possible, Appellant disagrees with the Examiner's further statement that this fact alone implies that a data filter is required in Eiba. If each of the different devices is capable of depicting the information using the same protocol, then no filter is needed. For example, there are many different types of televisions. Each different type of television is capable of reproducing a picture using the same signal because all operate using the same protocol. Accordingly, the fact that Eiba allows different terminal devices to be used fails to disclose that a filter is required at a central server for filtering data sent out to various different devices.

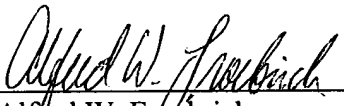
Lastly, the Examiner indicates in the paragraph starting at page 7, line 7, of the Examiner's answer, that the prior art does provide motivation for combining Eiba with the systems of Lobb and Moriarty. As stated above, Lobb and Moriarty disclose systems in which golfers input data to interface devices, which data is later combined with historical data (Lobb) or sent to a manager's interface (Moriarty). Eiba relates to use of various types of communication device 2a-2e to receive information from a central computing device for allowing remote players to participate in

a game on the central computing device. There is no need for the teachings of Eiba in the systems of Lobb or Moriarty because Lobb and Moriarty do not disclose a game played on a central computer. Lobb and Moriarty collect game data from various golfer interface terminals. Conversely, Eiba generates game data at a central location that is sent to many participants. Accordingly, there is no motivation provided in the references themselves for combining the teachings of Lobb and Moriarty with these of Eiba.

In view of the above reasons and for all the reasons previously provided in the Appeal Brief, the rejection of claims 1, 2, 4-9, and 11-44 should be reversed.

It is believed that no payment or insufficient payment fees are required in connection with the filing of the Reply Brief. However, if any fee or charges are required at this time in connection with the appeal, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,
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